

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

<p>MICHAEL MCKENZIE, individually and doing business as AMERICAN IMAGE ART, an unincorporated dba,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>JAMES W. BRANNAN, as personal representative of THE ESTATE OF ROBERT INDIANA, and AARON M. FREY, only in his official capacity as Attorney General of the State of Maine,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CIVIL NO. 2:20-cv-00262-NT</p>
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PLAINTIFF MICHAEL MCKENZIE'S WITNESS LIST

Plaintiff intends to call at trial the following witnesses, other than those to be used for impeachment and rebuttal:

1. Michael McKenzie
American Image Art
171 Goldens Bridge Road
Katonah, NY 10536

General Subject Matter: Brief background about his experience and skill in art production and his relationship and collaborations with artist Robert Indiana; the HOPE Agreement he entered with Indiana and performance under its terms; Indiana's complaints about art publisher Morgan Art Foundation; lawsuit filed by Morgan against McKenzie and Indiana and litigation leading to mediation in Portland in 2019; his participation at the mediation and the resulting Confidential and Binding Term Sheet executed by McKenzie and the Estate; McKenzie's efforts to enforce the Terms Sheet after mediation and the Estate's delay and many attempts to change the terms.

Estimated Time: 3.5 hours

2. Jamie Thomas
Vinalhaven, Maine

General Subject Matter: Brief background and his relationship with Robert Indiana and his being granted power of attorney by Indiana; knowledge of Indiana's collaborations

with art publisher McKenzie and various works he observed Indiana work on and sign and accept from McKenzie; knowledge of Indiana receiving royalty payments from McKenzie while hearing complaints from Indiana that Morgan Art Foundation was not paying Indiana what he owed, that Morgan was not providing accountings and royalties and Morgan was failing to comply with contract obligations; Indiana and Thomas' approval of cease and desist letters being sent to Morgan and auction houses and Morgan filing suit against McKenzie, Indiana, and Thomas thereafter.

Estimated Time: 0.8 hours

*Subpoena accepted by counsel, Silvia Serpe, and all parties have agreed to Mr. Thomas being the first witness on the second day of trial (at 8:30 a.m. on Thursday July 21, 2022) and agreed to his remote appearance via videoconference.

3. Annette Vessecchia
American Image Art
171 Goldens Bridge Road
Katonah, NY 10536

General Subject Matter: Brief background and overview of employment by McKenzie at American Image Art; her knowledge of and involvement in publishing Indiana artwork; Indiana signing of artwork produced by McKenzie, and interactions with Indiana. *May have additional testimony related to former AIA employee Oz Gonzalez depending on subject matters raised by the Estate and Attorney General.

Estimated Time: 0.5 hours

*Witness may appear remotely via videoconference with agreement of Defendants.

4. Tim Ginexi
American Image Art
171 Goldens Bridge Road
Katonah, NY 10536

General Subject Matter: Brief background and overview of employment by McKenzie at American Image Art; his knowledge of and involvement in publishing Indiana artwork; interactions with Indiana including visiting Vinalhaven and observing Indiana sign artwork. *May have additional testimony related to former AIA employee Oz Gonzalez depending on subject matters raised by the Estate and Attorney General.

Estimated Time: 0.5 hours

*Witness may appear remotely via videoconference with agreement of Defendants.

5. James Brannan
15 Limerock Street

Rockland, ME 04841

General Subject Matter: Knowledge of complaints of Indiana regarding Morgan Art Foundation; his knowledge and approval of cease and desist letters sent to Morgan and auction houses; his knowledge and approval of counterclaims pursued against Morgan including Morgan's having defrauded Indiana repeatedly.

Estimated Time: 0.5 hours

6. Larry Sterrs
Northpoint, Maine

General Subject Matter: His role as Chairman of the Board of the Star of Hope, Inc.; his participation in the 2019 mediation; his problems with the Term Sheet reached by McKenzie and the Estate; the Star of Hope's relationship with Morgan Art Foundation; his knowledge of the Estate's allegations against Morgan.

Estimated Time: 0.5 hours

Dated: July 11, 2022

Respectfully submitted,

/s/ John J.E. Markham, II

John J.E. Markham, II (Maine BBO No. 2674)
Bridget A. Zerner (*Pro Hac Vice* – MA 669468)
MARKHAM & READ
One Commercial Wharf West
Boston, Massachusetts 02110
Tel: (617) 523-6329
Fax: (617) 742-8604
jmarkham@markhamread.com
bzerner@markhamread.com

-and-

908 Maine Street
Waldoboro, Maine 04572
Tel: (207) 790-8049

CERTIFICATE OF SERVICE

I, John J.E. Markham, II, do hereby certify that on July 11, 2022, I served a copy of the foregoing on all counsel of record via the CM/ECF filing system.

/s/ John J.E. Markham, II
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